

### **REMARKS**

Claims 1-22 and 33-40 have been cancelled, without prejudice.

The specification has been amended to mirror changes made to the parent application during prosecution.

The Abstract has been amended, as directed by the Examiner during prosecution in the parent application (see Paper No. 7 at 3), to further recite that --[t]he polynucleotide sequences of the present invention include sequences derived from the biotin operon of *B. subtilis*, and in particular the *bioFDB* gene cassette--. Support for this amendment is found in the specification at, for example, page 17, lines 14-16, Example 1, and Figure 4.

The specification has further been amended, as directed by the Examiner during prosecution in the parent application (see Paper No. 7 at 7), to identify the full address of the Agricultural Research Culture Collection and the American Type Culture Collection depositories.

Upon information and belief, all restrictions imposed by the depositor on the availability to the public of the deposited material will be irrevocably removed upon the granting of a patent.


We note that although the Title of the Invention in the parent application was amended during prosecution (see Response to Office Action filed on August 7, 2002), this divisional application retains the title of the original application as filed.

It is submitted that no new matter has been introduced by the foregoing amendments.

In re divisional application based on Application No.: 09/633,927  
Preliminary Amendment Dated: October 8, 2003

In view of the foregoing, entry of the amendments in advance of prosecution on the merits, and allowance of all claims respectfully, is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

Respectfully submitted,

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